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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 JOHN ROBERT DEMOS, JR,

NO. C12-867-TSZ-JPD

10 Plaintiff,

11 v.

REPORT AND
RECOMMENDATION

12 UNITED STATES OF AMERICA, *et al.*,

13 Defendants.
14

15 Plaintiff John Demos applied for leave to proceed in forma pauperis (“IFP”) with a
16 proposed civil-rights complaint. (Dkts. 1, 1-1, 4.) Plaintiff was convicted in 1978 of attempted
17 rape and first-degree burglary and was sentenced to an indeterminate sentence of 240 months
18 to life in prison. *See State v. Demos*, 619 P.2d 968 (Wash. 1980).

19 Plaintiff is well-known locally and nationally as an abusive litigant. He is under pre-
20 filing bar orders in a number of courts, including this Court, the Eastern District of
21 Washington, the Washington State courts, the Ninth Circuit Court of Appeals, and the United
22 States Supreme Court. *See, e.g., Demos v. Storrie*, 507 U.S. 290, 291 (1993). An Order of this
23 Court provides for the return without filing of any petition that seeks an extraordinary writ
24 pursuant to 28 U.S.C. §§ 1651, 2253 or 2254, unless accompanied by the filing fee. *See*
25 *Demos v. Stanley*, MC97-0031-JLW (W.D. Wash. Mar. 13, 1997). In addition, plaintiff may
26 submit only three IFP applications and proposed actions each year. *See In re John Robert*

1 *Demos*, MC91-269-CRD (W.D. Wash. Jan. 16, 1992); *In re Complaints and Petitions*
2 *Submitted by John Robert Demos* (W.D. Wash. Dec. 15, 1982). Furthermore, under 28 U.S.C.
3 § 1915(g), plaintiff must demonstrate “imminent danger of serious physical injury” to proceed
4 IFP because he has had numerous prior actions dismissed as frivolous, malicious, or for failure
5 to state claim. *See Demos v. Lehman*, MC99-113-JLW (W.D. Wash. Aug. 23, 1999).

6 This absurd complaint is identical to the one he has presented in *Demos v. United*
7 *States*, C12-866-MJP-BAT (W.D. Wash., filed May 17, 2012). Plaintiff alleges that he is the
8 deposed King of England, that Queen Elizabeth II usurped his throne, and that King George VI
9 verbally and by statute appointed him to be the rightful heir to the throne. (Dkt. 1-1, at 12.)
10 Plaintiff therefore sues the United States and the State of Washington, asking that this Court
11 restore his crown. (Dkt. 1-1, at 7.) First, as a factual matter, it was physically (if not legally)
12 impossible for King George VI, who died in 1952, to have verbally or via introduced
13 legislation appointed plaintiff, born in 1957, as his heir. Second, this Court does not have the
14 authority to alter the British royal family’s line of succession.

15 The Court finds that plaintiff presents no case or controversy, fails to state a claim upon
16 which relief may be granted, and brings a frivolous action. *See* U.S. Const., art. III, § 2, cl. 1;
17 *Muskrat v. United States*, 219 U.S. 346 (1911); 28 U.S.C. §§ 1915(e)(2)(B), 1915A(b)(1).
18 Moreover, plaintiff’s proposed complaint does not contain “a plausible allegation that the
19 prisoner faced imminent danger of serious physical injury at the time of filing.” *Andrews v.*
20 *Cervantes*, 493 F.3d 1047, 1055 (9th Cir. 2007) (internal citations omitted). His instant
21 application to proceed IFP thus does not meet the “imminent danger” requirement under 28
22 U.S.C. § 1915(g).

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The Court recommends DENYING plaintiff's application to proceed IFP (Dkt. 4) and DISMISSING the proposed complaint with prejudice and without leave to amend. A proposed Order is attached.

DATED this 14th day of June, 2012.

James P. Donohue
JAMES P. DONOHUE
United States Magistrate Judge